

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILLIAM HARTFIELD

VS.

WALMART, INC.

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CIVIL ACTION NO.

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Walmart, Inc., (“Walmart”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1332.

I. INTRODUCTION

1. Pursuant to 28 U.S.C. § 1441, *et seq.*, this civil action is removed from the 17th District Court of Tarrant County, Texas, where this matter was pending under Cause No. 017-334603-22 in a matter styled *William Hartfield vs. Walmart, Inc.* (the “State Court Action”).

II. NATURE OF THE SUIT

2. This is a premises liability lawsuit alleging claims of personal injury resulting from Defendant’s alleged actions or inactions. *Plaintiff’s Original Petition p. 3.*

3. Plaintiff William Hartfield alleges he was injured when he slipped and fell on a liquid substance while shopping at Defendant’s store located in Haslet, Tarrant County, Texas. *Plaintiff’s Original Petition p. 2.*

4. Plaintiff brought his lawsuit against Walmart in the 17th District Court of Tarrant County, Texas. *See Plaintiff’s Original Petition p. 1.*

III. TIMELINESS OF REMOVAL

5. Plaintiff commenced this lawsuit by filing his Original Petition on July 13, 2022. Defendant Walmart Inc. accepted service on August 2, 2022 through their agent, CT Corporation. This removal is timely because it is filed less than 30 days after Walmart was served. 28 U.S.C. § 1446.

IV. BASIS FOR REMOVAL JURISDICTION

6. Removal is proper under 28 U.S.C. §§ 1441 and 1332 because there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Plaintiff admits he is a citizen of Texas. *Plaintiff's Original Petition p. 2*. Plaintiff's medical records provided pre-suit further demonstrate Plaintiff is a citizen of Texas.

8. Plaintiff sued and served Walmart, Inc. Walmart Inc. is a Delaware Corporation with its principal place of business in Arkansas. Accordingly, for diversity purposes, Walmart Inc. is a citizen of Delaware and Arkansas.

9. There is and has been at all times relevant to this Notice of Removal, complete diversity of citizenship between Plaintiff and Defendant.

10. The amount in controversy exceeds the jurisdictional requirement of \$75,000, exclusive of interest and costs. Plaintiff alleges he sustained serious injuries. *See Plaintiff's Original Petition p. 2*. Plaintiff seeks damages for alleged medical care and expenses past and future, pain and suffering past and future, mental anguish past and future, impairment past and future, loss of household services past and future, and disfigurement past and future. *Plaintiff's Original Petition p. 3*. Plaintiff pleads relief in excess of \$250,000. *Id. at p. 1*. The sum claimed by Plaintiff should control the evaluation of the amount in controversy. Facially, the pleadings, injuries and damages exceed \$75,000, exclusive of interest and costs.

11. In an effort to confirm the amount in controversy, Walmart sent correspondence to Plaintiff's counsel on August 17, 2022 requesting Plaintiff stipulate he is seeking damages less than \$75,000 in damages, exclusive of interest and costs. Plaintiff's counsel indicated he could not agree to the requested stipulation.

V. THIS NOTICE IS PROCEDURALLY CORRECT

12. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(b), because Defendant is not a citizen of Texas, the state in which the action was brought. This action is removable to this Court and venue is proper because this United States District Court and the Northern District of Texas embraces the place where the State Court Action was pending. 28 U.S.C. §§ 124(a)(1), 1441(a).

13. Walmart has attached to this Notice of Removal the documents required by 28 U.S.C. § 1446(a) and Local Rule 81.1 as follows:

- A: Index of all documents filed in the State Court Action.
- B: Docket Sheet in the State Court Action.
- C: Copies of all process, pleadings and orders filed in State Court.
- D: Signed Certificate of Interested Persons.

14. Walmart is filing with the Notice of Removal a completed Civil Cover Sheet, a Supplemental Civil Cover Sheet, and separate Certificate of Interested Persons.

15. Walmart retains the right to supplement the jurisdictional allegations by affidavit, declaration, or otherwise should Plaintiff challenge the allegations in a motion to remand or other filing.

16. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all parties and to the Clerk of the 17th District Court of Tarrant County, Texas.

17. Plaintiff has demanded a jury trial in the State Court Action. Defendant has demanded a jury trial in the State Action.

18. Trial has not commenced in the 17th District Court.

V. CONCLUSION

19. Since diversity jurisdiction exists over Plaintiff's claim as set forth in Plaintiff's Original Petition, Defendant desires and is entitled to remove the lawsuit filed in the 17th District Court of Tarrant County, Texas to the United States District Court for the Northern District of Texas, Fort Worth Division.

WHEREFORE, PREMISES CONSIDERED, Defendant Walmart, Inc., pursuant to and in conformance with the statutory requirements, removes this action from the 17th District Court of Tarrant County, Texas, to this Court.

Respectfully submitted,

By: /s/ Stacy Hoffman Bruce

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify a true and correct copy of this document has been forwarded to the following counsel of record either by e-service, telefax, electronic mail, and/or regular U.S. mail on this 1st day of September, 2022:

Richard R. Hyde, Jr.
The Ledger Law Firm
420 Throckmorton Street, Suite 200
Fort Worth, TX 76102

/s/ Stacy Hoffman Bruce

STACY HOFFMAN BRUCE